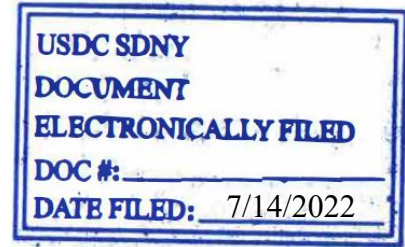


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



LORENA MERCEDES, ETHEL DUBOUZET,  
and BARBORA SIMPSON et al on behalf of  
themselves and others similarly situated,

Plaintiffs,

-against-

MANHATTAN FOOD & BEV LTD. d/b/a  
REICHENBACH HALL, WILIAM  
REICHENBACH aka WILLY  
REICHENBACH individually, and KEITH  
REICHENBACH individually,

Defendants.

No. 22 Civ 02777 (CM)

### **SCHEDULING ORDER**

McMahon, J.:

Defendants Manhattan Food & Bev Ltd., William Reichenbach, and Keith Reichenbach (collectively, the “Defendants”) move pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and 9 U.S.C. Sections 3 and 4 of the Federal Arbitration Act (“FAA”) to dismiss the Complaint in its entirety and to compel Plaintiffs Lorena Mercedes, Ethel Dubouzet, Barbora Simpson, To Tran, and Katrina Sanjongco Coyle (collectively “Plaintiffs”) to arbitrate their claims on an individual basis. Alternatively, Defendants move to stay these proceedings and to compel Plaintiffs to arbitrate their claims on an individual basis.

Because this motion cannot be decided without discovery into the circumstances under which each named plaintiff signed the agreement to arbitrate and a hearing to resolve disputed issues of fact, the court held a telephone conference this morning, at which time we set the following schedule: case stayed on all merits issues (including the motion for conditional class

certification of the FLSA non-Rule 23 class); discovery, limited to the issue of the signing of the arbitration agreements, to take place between now and October 31, 2022. By close of business November 10, 2022, each side should file a report with the court summarizing the results of that discovery. The parties will thereafter be on 72 hours' notice for a hearing (with live witnesses) to resolve the issues of fact needed to decide the motion to dismiss.

Dated: July 14, 2022



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U.S.D.J.

BY ECF TO ALL COUNSEL